

Federal Communications Commission

DA 02-2517

Before the
Federal Communications Commission
Washington, D.C. 20554

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OCT 10 2002

FCC-MAILROOM

In the Matter of)

Amendment of Section 73.622(b),)

Table of Allotments,)

Digital Television Broadcast Stations.)

(Lewisburg, West Virginia))

MB Docket No. 02-178

RM-10456

REPORT AND ORDER
(Proceeding Terminated)

Adopted October 3, 2002

Released: October 10, 2002

By the Chief, Video Division:

1. At the request of High Mountain Broadcasting Corporation ("High Mountain"), permittee of station WVSX-DT, channel 48, Lewisburg, West Virginia, the Commission has before it the Notice of Proposed Rule Making, 17 FCC Rcd 12819 (2002), proposing the substitution of DTV channel 8 for DTV channel 48 at Lewisburg. High Mountain filed comments restating its intention to apply for DTV channel 8, if allotted. Sid Shumate ("Shumate") filed comments.¹

2. We believe the public interest would be served by substituting DTV channel 8 for DTV channel 48 since it will enable station WVSX-DT to reduce shadowing and ghosting caused by the terrain. DTV channel 8 can be allotted to Lewisburg, West Virginia, as proposed, in compliance with the principle community coverage requirement of Section 73.625(a) at coordinates 37-46-22 N. and 80-42-25 W. In addition, we find that ~~this~~ channel is acceptable under the 2 percent criterion for *de minimis* impact that is applied in evaluating requests for modification of initial DTV allotments under Section 73.623(c)(2) for Station WVSX-DT with the following specifications:

<u>State & City</u>	<u>DTV Channel</u>	<u>DTV power (kW)</u>	<u>Antenna HAAT (m)</u>	<u>DTV Service Pop. (thous.)</u>
WV Lewisburg 401	8	3.8	568	

3. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, **IT IS ORDERED**, That effective November 25, 2002, the DTV Table of Allotments, Section 73.622(b) of the Commission's Rules, **IS AMENDED**, with

¹ Shumate, President of WVGTV, former owner of WVGTV-TV, now WVSX-TV filed comments supporting High Mountain channel change proposal. Shumate states that DTV channel 8 will permit High Mountain to "...serve the off-air audience and to compete equally with the other stations in the market". Shumate contends the use of a high VHF channel will make the construction and operation of WVSX-DT more practical and affordable.

respect to the community listed below, to read as follows:

<u>City</u>	<u>Channel No.</u>
Lewisburg, West Virginia	8

4. IT IS FURTHER ORDERED, That within 45 days of the effective ~~date~~ of this Order, High Mountain Broadcasting Corporation shall submit to the Commission a minor change application for a construction permit (FCC Form 301) specifying DTV Channel 8 in lieu of DTV Channel 48 for station WVSX-DT.

5. IT **IS** FURTHER ORDERED, That ~~this~~ proceeding IS TERMINATED.

6. For further information concerning this proceeding, contact **Pam** Blumenthal, Media Bureau, (202) 418-1600.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman
Chief, Video Division
Media Bureau